

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

FIRST CHOICE FEDERAL CREDIT UNION,
AOD FEDERAL CREDIT UNION, TECH
CREDIT UNION, VERIDIAN CREDIT
UNION, SOUTH FLORIDA EDUCATIONAL
FEDERAL CREDIT UNION, PREFERRED
CREDIT UNION, ALCOA COMMUNITY
FEDERAL CREDIT UNION, ASSOCIATED
CREDIT UNION, CENTRUE BANK,
ENVISTA CREDIT UNION, FIRST NBC
BANK, NAVIGATOR CREDIT UNION,
THE SEYMOUR BANK, FINANCIAL
HORIZONS CREDIT UNION, NUSENDA
CREDIT UNION, GREATER CINCINNATI
CREDIT UNION, KEMBA FINANCIAL
CREDIT UNION, WRIGHT-PATT CREDIT
UNION, and MEMBERS CHOICE CREDIT
UNION, on Behalf of Themselves and All
Others Similarly Situated,

and

CREDIT UNION NATIONAL
ASSOCIATION, GEORGIA CREDIT UNION
AFFILIATES, INDIANA CREDIT UNION
LEAGUE, MICHIGAN CREDIT UNION
LEAGUE, and OHIO CREDIT UNION
LEAGUE,

Plaintiffs,

v.

THE WENDY'S COMPANY, WENDY'S
RESTAURANTS, LLC, and WENDY'S
INTERNATIONAL, LLC,

Defendants.

Civil No. 2:16-cv-00506-NBF-MPK

**JOINT MOTION FOR ENLARGEMENT
OF PAGE LIMITS**

JOINT MOTION FOR ENLARGEMENT OF PAGE LIMITS

Plaintiffs and Defendants (collectively the “Parties”), by and through their undersigned counsel, hereby move for an enlargement of the page limits for the upcoming choice of law briefing. *See* ECF No. 123. In support, the Parties state as follows:

1. The Parties have engaged in significant discovery. Specifically, Defendants have served document requests and interrogatories on Plaintiffs, and Plaintiffs have been producing documents on a rolling basis, including ESI. Plaintiffs likewise have served document requests on Defendants, and Defendants have been making a rolling production of documents in response to such requests, including ESI. To date, Defendants have produced over 2.5 million pages of responsive documents. In addition to the exchange of written discovery, Defendants have deposed 15 representatives of the financial institution Plaintiffs, and Plaintiffs have deposed Defendants’ representative pursuant to Fed. R. Civ. P. 30(b)(6). Additionally, Plaintiffs have served subpoenas on various third parties, seeking both documents and testimony of a designated representative from each third party.

2. The current page limit is 30 pages for the opening and response briefs and 20 pages for the reply brief.

3. To provide the Court with a fulsome description of the legal theory of the case and factual background associated with the choice of law issue, as well as to cite to the extensive evidence in the record, the Parties respectfully request an extension to 40 pages for the opening and response briefs, 25 pages for the reply brief, and leave for Defendants to file a 20-page sur-reply consistent with the Court’s practice in this case of permitting sur-replies. *See, e.g.*, ECF No. 76 (Plaintiffs’ sur-reply in opposition to Defendants’ motion to dismiss); *see also* ECF No. 87 (Plaintiffs’ sur-reply).

WHEREFORE, the Parties respectfully request that the Court grant their motion and enter the attached proposed order enlarging the page limits for the choice of law briefs and granting Defendants leave to file a 20-page sur-reply by April 11, 2018.

DATED: January 16, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

/s/ Erin Green Comite
Erin Green Comite